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Representing the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER REYES-ALAS,

Defendant.

Case No. 2:19-mj-00378-VCF

**Stipulation To Continue Preliminary
Hearing Date**
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defendant and Margaret W. Lambrose, Assistant Federal Public Defender, counsel for JAVIER REYES-ALAS, ("Reyes"), that the preliminary hearing date in the abovementioned case, which is currently scheduled for August 7, 2019, at 4:00 p.m., be continued and reset to a date and time convenient to this Court, but for a period of not less than sixty (60) days for the following reasons:

1. On or about May 24, 2019, Reyes appeared on the complaint and was detained pending a preliminary hearing, which is currently scheduled for August 7, 2019.

1 An ICE detainer has been filed against him because he is believed to be an alien, that is a
2 citizen of Honduras and not a United States citizen, who is unlawfully in the United
3 States.

4 2. The parties have agreed to continue the preliminary hearing date for at
5 least sixty days so that the government can produce discovery, including a copy of
6 Reyes's A file, to defense counsel so that it can be reviewed by Reyes and his counsel
7 prior to the hearing. The parties are hopeful that once discovery has been reviewed, a pre-
8 hearing plea can be negotiated by written agreement. Failing a negotiated resolution, the
9 defense will need additional time to complete any pre-hearing investigation deemed
10 necessary to properly prepare for the preliminary hearing. Accordingly, the parties
11 request that the preliminary hearing be continued and reset to a date and time convenient
12 to this Court, but for a period not less than sixty days.

13 3. The defendant is incarcerated and does not object to the continuance.

14 4. The parties agree to the continuance.

15 5. The additional time requested herein is not sought for purposes of delay,
16 but merely to allow the parties sufficient time within which to review the discovery and
17 conduct pre-litigation investigation prior to the preliminary hearing. Additionally, denial
18 of this request for continuance could result in a miscarriage of justice, and the ends of
19 justice served by granting this request, outweigh the best interest of the public and the
20 defendant in a speedy preliminary hearing.

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1 This is the second stipulation to continue the preliminary hearing filed herein.

2 DATED this 1st day of August, 2019.

3 RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

4
5 */s/ Margaret W. Lambrose*
By _____
6 MARGARET W. LAMBROSE
Assistant Federal Public Defender

/s/ Kimberly M. Frayn
By _____
KIMBERLY M. FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JAVIER REYES-ALAS,

7 Defendant.

Case No. 2:19-mj-00378-VCF

**Findings Of Fact, Conclusions Of Law
And Order**

8 **FINDINGS OF FACT**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore,
10 the Court finds that:

11
12 1. On or about May 24, 2019, defendant Reyes appeared on the complaint
13 and was detained pending a preliminary hearing, which is currently scheduled for August
14 7, 2019. An ICE detainer has been filed against him because he is believed to be an alien,
15 that is a citizen of Honduras and not a United States citizen, who is unlawfully in the
16 United States.

17 2. The parties have agreed to continue the preliminary hearing date for at
18 least sixty days so that the government can produce discovery, including a copy of
19 Reyes's A file, to defense counsel so that it can be reviewed by Reyes and his counsel
20 prior to the hearing. The parties are hopeful that once discovery has been reviewed, a pre-
21 hearing plea can be negotiated by written agreement. Failing a negotiated resolution, the
22 defense will need additional time to complete any pre-hearing investigation deemed
23 necessary to properly prepare for the preliminary hearing. Accordingly, the parties
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7 conduct pre-litigation investigation prior to the preliminary hearing. Additionally, denial
8 of this request for continuance could result in a miscarriage of justice, and the ends of
9 justice served by granting this request, outweigh the best interest of the public and the
10 defendant in a speedy preliminary hearing.

11 7. This is the second stipulation to continue the preliminary hearing filed
12 herein.

13 **ORDER**

14 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
15 above-captioned matters, currently scheduled for August 7, 2019, be vacated and
16 continued to a date and time convenient to this Court, that is on October 7, 2019, at
17 the hour of 4:00 p.m.

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19
20 DATED this 1st day of August 2019.

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22 
23 HONORABLE CAM FERENBACH
24 United States Magistrate Judge